

Remarks

This paper is responsive to the Office Action mailed March 10, 2004, in which claims 1-4, 6-10, 12, 14-19, 21-25, 27 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Patterson et al. (U.S. Patent No. 5,941,869) and claims 11, 26, and 29 were rejected under 35 U.S.C. § 103(a) over Patterson et al., and to the advisory action of July 27, 2004, which maintains these rejections. Applicants respectfully disagree and traverse these rejections.

Patterson et al. disclose an embolic filter in figures 30-32 that has struts attached at proximal and distal ends to rings. The struts can lie flat or they can arc to allow a filtering material trapped inside the struts, such as a sponge, to expand.

However, Patterson et al. does not disclose a device wherein “in the second position the proximal ends of the struts form an open, generally circular mouth that is eccentric with respect to the shaft” as claimed in claim 1. Patterson et al. does not disclose an embodiment where a mouth is eccentric with respect to the shaft. All the embodiments of Patterson et al. disclose mouths that are centered about shafts. An eccentric mouth has the advantage, for example, of permitting the extractor to receive a larger embolus than would otherwise be possible, as the mouth has a larger unobstructed area.

Applicants therefore submit that claim 1 is in condition for allowance. As claims 2-4, 6-12, and 14-17 depend from claim 1, either directly or indirectly, and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Independent claim 18 recites "wherein in the second position, a proximal length of the strut defines an open, generally circular mouth that is eccentric with respect to the shaft". As discussed above, Patterson et al. do not disclose any mouths which are eccentric with respect to the shaft.

Therefore, applicants submit that claim 18 is in condition for allowance. As claims 19, and 21-27 depend from claim 18 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

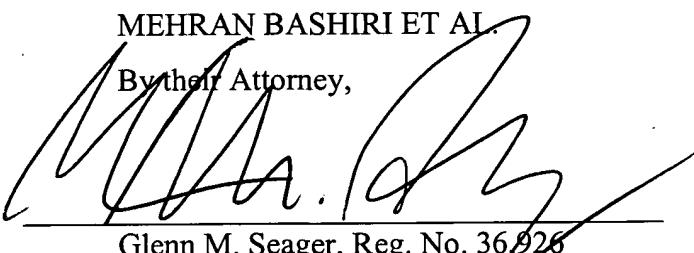
Independent claim 28 recites "the struts having a proximal portion configured to form an open, generally circular mouth that is eccentric with respect to the shaft". As discussed above, Patterson et al. do not disclose an embolus extractor that has an eccentric mouth. Therefore, applicants submit that claim 28 is in condition for allowance. As claim 29 depends from claim 28 and contains additional features, applicants submit that this claim is in condition for allowance.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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